

ATTACHMENT D

RESOLUTION NO. 10-19

A Resolution of the Governing Board of the South Coast Air Quality Management District (AQMD) certifying the Final Environmental Assessment for Proposed Amended Rule 1110.2 - Emissions from Gaseous- and Liquid-Fueled Engines.

A Resolution of the AQMD Governing Board amending Rule 1110.2 - Emissions from Gaseous- and Liquid-Fueled Engines.

WHEREAS, the AQMD Governing Board has determined with certainty that Proposed Amended Rule 1110.2 - Emissions from Gaseous- and Liquid-Fueled Engines, is a "project" pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the AQMD has had its regulatory program certified pursuant to Public Resources Code Section 21080.5 and has conducted CEQA review and analysis pursuant to such program (AQMD Rule 110); and

WHEREAS, AQMD staff has prepared a Draft Subsequent Environmental Assessment (SEA) pursuant to its certified regulatory program and CEQA Guidelines Section 15252, setting forth the potential environmental consequences of Proposed Amended Rule 1110.2 - Emissions from Gaseous- and Liquid-Fueled Engines; and

WHEREAS, it was determined that potential environmental impacts from the proposed project are not significant; and

WHEREAS, the Draft SEA was circulated for a 30-day public review and comment period from May 18, 2010, to June 16, 2010, no comment letters were received relative to the Draft SEA, and the Draft SEA has been revised such that it is now a Final SEA; and

WHEREAS, it is necessary that the adequacy of the Final SEA be determined by the AQMD Governing Board prior to its certification; and

WHEREAS, the AQMD Governing Board voting on Proposed Amended Rule 1110.2 - Emissions from Gaseous- and Liquid-Fueled Engines has reviewed and considered the Final SEA prior to its certification; and

WHEREAS, a Mitigation Monitoring Plan pursuant to Public Resources Code Section 21081.6, has not been prepared since no mitigation measures are necessary; and

WHEREAS, because the proposed project was determined to generate no significant adverse impacts on the environment, Findings and a Statement of Overriding Considerations were not required and, thus, not adopted for this project pursuant to CEQA Guidelines Sections 15091 and 15093, respectively; and

WHEREAS, California Health and Safety Code Section 40727 requires that prior to adopting, amending or repealing a rule or regulation, the AQMD Governing Board shall make findings of necessity, authority, clarity, consistency, non-duplication, and reference based on relevant information presented at the public hearing and in the staff report; and

WHEREAS, the AQMD Governing Board obtains its authority to adopt, amend, or repeal rules and regulations from Sections 39002, 40000, 40001, 40440, 40441, 40702, 40725 through 40728, and 41508 of the California Health and Safety Code; and

WHEREAS, the AQMD Governing Board has determined that there is a problem that Proposed Amended Rule 1110.2 - Emissions from Gaseous- and Liquid-Fueled Engines will help alleviate, in that Proposed Rule 1110.2 will provide and exemption for a remote high altitude public safety communications site; and

WHEREAS, the AQMD Governing Board has determined that a need exists to amend Rule 1110.2 - Emissions from Gaseous- and Liquid-Fueled Engines; and

WHEREAS, the AQMD Governing Board has determined that Proposed Amended Rule 1110.2 - Emissions from Gaseous- and Liquid-Fueled Engines is written or displayed so that its meaning can be easily understood by the persons directly affected by it; and

WHEREAS, the AQMD Governing Board has determined that Proposed Amended Rule 1110.2 - Emissions from Gaseous- and Liquid-Fueled Engines is in harmony with, and not in conflict with or contradictory to, existing federal or state statutes, court decisions, or federal regulations; and

WHEREAS, the AQMD Governing Board has determined that Proposed Amended Rule 1110.2 - Emissions from Gaseous- and Liquid-Fueled Engines does not impose the same requirements as any existing state or federal regulation and the

proposed amended rule is necessary and proper to execute the powers and duties granted to, and imposed upon, the District; and

WHEREAS, the AQMD Governing Board in amending Rule 1110.2 references the following statutes which the AQMD hereby implements, interprets or makes specific: Health and Safety Code Section 40001(a) (rules to meet air quality standards); Section 40440(a) (rules to carry out the plan); and Section 40702 (adoption of rules and regulations); and

WHEREAS, Health and Safety Code Section 40727.2 requires the AQMD to prepare a written analysis of existing federal and state air pollution control requirements that the AQMD is aware of and that would be applicable to the same source type being regulated whenever it adopts, or amends a rule, and that such comparative analysis is included in the staff report; and

WHEREAS, the AQMD Governing Board has determined that Proposed Amended Rule 1110.2 - Emissions from Gaseous- and Liquid-Fueled Engines will not result in increased costs; and

WHEREAS, a public hearing has been properly noticed in accordance with the provisions of Health and Safety Code Section 40725; and

WHEREAS, the AQMD Governing Board has held a public hearing in accordance with all provisions of law; and

WHEREAS, the AQMD Governing Board specifies the Manager of Proposed Amended Rule 1110.2 - Emissions from Gaseous- and Liquid-Fueled Engines as the custodian of the documents or other materials which constitute the record of proceedings upon which the adoption of this proposed project is based, which are located at the South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, California; and

NOW, THEREFORE BE IT RESOLVED, that the AQMD Governing Board hereby certifies, pursuant to the authority granted by law, the Final SEA for Proposed Amended Rule 1110.2 - Emissions from Gaseous- and Liquid-Fueled Engines; and

BE IT FURTHER RESOLVED, that because no significant adverse environmental impacts were identified as a result of implementing Proposed Amended Rule 1110.2 - Emissions from Gaseous- and Liquid-Fueled Engines, Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring Plan are not required; and

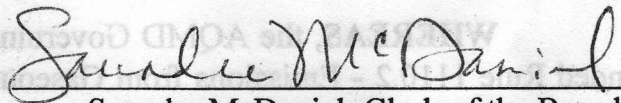
BE IT FURTHER RESOLVED, that the AQMD Governing Board does hereby amend, pursuant to the authority granted by law, Rule 1110.2 - Emissions from Gaseous- and Liquid-Fueled Engines, as set forth in the attached and incorporated herein by reference.

AYES: Antonovich, Ashley, Burke, Cacciotti, Campbell, Gonzales, Lyou, Mitchell, Perry, Pulido, and Yates.

NOES: None.

ABSENT: Carney and Loveridge.

Dated: July 9, 2010



Saundra McDaniel, Clerk of the Boards